



House of Representatives

File No. 520

General Assembly

February Session, 2006

(Reprint of File No. 307)

Substitute House Bill No. 5042
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 17, 2006

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT AND INTERIM CHANGES TO THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 8-23 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (g) The commission may adopt the plan or any part thereof or
5 amendment thereto by a single resolution or may, by successive
6 resolutions, adopt parts of the plan and amendments thereto. Any
7 plan, section of a plan or recommendation in the plan, not endorsed by
8 the legislative body of the municipality may be adopted by the
9 commission by a vote of not less than two-thirds of all the members of
10 the commission. Upon adoption by the commission, any plan or part
11 thereof or amendment thereto shall become effective at a time
12 established by the commission, provided notice thereof shall be
13 published in a newspaper having a general circulation in the
14 municipality prior to such effective date. Any plan or part thereof or

15 amendment thereto shall be posted on the Internet web site of the
16 municipality, if any, and shall be filed in the office of the town clerk,
17 except that, if it is a district plan or amendment, it shall be filed in the
18 offices of both the district and town clerks. The commission shall
19 [notify] submit a copy of the plan to the Secretary of the Office of
20 Policy and Management not more than sixty days after adoption of the
21 plan and shall include with such copy a description of any
22 inconsistency between the plan adopted by the commission and the
23 state plan of conservation and development and the reasons therefor.

24 Sec. 2. Section 16a-32 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2006*):

26 (a) Each revision of the plan of conservation and development shall
27 be initiated by the secretary and shall be undertaken in accordance
28 with the process outlined in this chapter.

29 (b) [Upon written approval of the committee, interim changes in the
30 plan may be undertaken by the secretary upon his own initiative or
31 upon application by any person, political subdivision of the state or
32 state agency without initiating a revision of the plan.] Without
33 initiating a revision of the plan and after receiving written approval
34 from the committee, the secretary may undertake interim changes in
35 the plan upon the secretary's own initiative or upon application by (1)
36 the chief executive officer of a municipality, with the approval of the
37 legislative body of such municipality, or (2) any owner of real property
38 or any interest therein on which a change is proposed. No application
39 for an interim change from a municipality under subdivision (1) of this
40 subsection may be submitted unless (A) the municipality in which the
41 change is proposed has a plan of conservation and development that
42 has been updated in accordance with section 8-23, as amended by this
43 act, and (B) the application includes evidence, in writing, of the
44 opinion of the planning commission of the municipality regarding the
45 interim change. The secretary shall adopt regulations in accordance
46 with chapter 54 to establish procedures for applications for such
47 interim changes by any person, political subdivision of the state or

48 state agency. Such regulations shall include, but need not be limited to,
 49 provisions for interviews and consultations with local planning and
 50 zoning commissions or, in those municipalities which have adopted
 51 the provisions of chapter 124 but which do not have a zoning
 52 commission, the persons designated to exercise zoning powers
 53 pursuant to section 8-1, review of local plans of development and
 54 public hearings. The secretary shall notify the chief executive officer
 55 and the persons exercising planning or zoning powers in any
 56 municipality which is the subject of an application for change in the
 57 locational guide map and shall notify any members of the General
 58 Assembly representing any area which is the subject of such an
 59 application. A joint public hearing by the secretary and the committee
 60 shall be held in any such municipality if requested by any chief
 61 executive officer or planning or zoning official notified by the secretary
 62 pursuant to this subsection. The committee shall also hold a hearing in
 63 addition to any hearing required to be held in any municipality
 64 concerning the locational guide map on any other proposed changes.
 65 After such public hearing, [by the committee and upon written
 66 approval of the committee, the secretary may] the committee shall
 67 approve or disapprove the application and notify the secretary of its
 68 decision not more than ten days thereafter. The secretary shall make
 69 interim changes in the plan to reflect the approved changes.

70 (c) The secretary shall report annually on or before February
 71 fifteenth to the committee progress on the implementation of the plan
 72 and the extent to which state actions are in conformity with the plan.

73 (d) Nothing in this section shall be construed to prohibit the
 74 committee from initiating a revision of the plan at any time.

| | | |
|---|-----------------|---------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2006 | 8-23(g) |
| Sec. 2 | October 1, 2006 | 16a-32 |

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

| Agency Affected | Fund-Effect | FY 07 \$ | FY 08 \$ |
|----------------------|-------------|----------|----------|
| Policy & Mgmt., Off. | GF - None | None | None |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill as amended modifies the way changes are made to the state Plan of Conservation and Development, which results in no fiscal impact to the Office of Policy and Management, the agency responsible for such plan.

House "A" makes additional changes which result in no fiscal impact.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis**sHB 5042 (as amended by House "A")******AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT AND INTERIM CHANGES TO THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.*****SUMMARY:**

This bill modifies how the Office of Policy and Management (OPM) secretary can make interim changes to the state Plan of Conservation and Development (state plan of C&D) in the years between its revision and adoption by the legislature.

Under current law, municipal planning commissions must notify OPM of any inconsistency between their local plans of conservation and development and the state plan of C&D. The bill instead requires the commissions to (1) send a copy of their plans to OPM within 60 days of their adoption and (2) include a description of any inconsistencies with the state Plan of C&D.

*House Amendment "A" further restricts who can request an interim change in the plan and requires that applications from municipalities be endorsed by the municipality's legislative body and include an opinion by the municipal planning commission.

EFFECTIVE DATE: October 1, 2006

STATE PLAN OF C&D

By law, the legislature must revise the state plan of C&D at least every five years. The OPM secretary can make interim changes, with the written approval of the Continuing Legislative Committee on State Planning and Development, without initiating a revision of the plan.

By law, the secretary can make these changes on his own initiative or upon application of certain parties. The bill limits who can make an application. Currently, any person, political subdivision of the state, or state agency can apply. The bill limits the individuals who can apply to the owner of the real property or an interest in the property that is the subject of the proposed change. It limits public-sector applications to municipality's chief elected official, with the approval of the municipality's legislative body (i.e., other political subdivisions and state agencies cannot apply for a change). It bars applications from municipalities unless they have updated their local plans of conservation and development as required by law, i.e., at least once in the past 10 years. It also requires that municipal applications include the municipal planning commission's opinion of the proposed change. The bill also requires the committee to notify the secretary of its decision to approve or reject the application within 10 days of making the decision.

BACKGROUND

Continuing Legislative Committee on State Planning and Development

This committee consists of 10 legislators: the co-chairs of the Planning and Development Committee and eight members appointed by legislative leaders. It is responsible for setting broad goals and objectives for the state's physical and economic development.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/17/2006)